

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In re:

WICKAPOGUE 1 LLC,

Debtor.

Chapter 11

Case No. 8-23-71048-reg

**DECLARATION OF DAVID GOLDWASSER CONCERNING EMERGENCY RELIEF  
SUPPORTING MOTION TO ISSUE A WRIT OF ASSISTANCE FOR THE U.S.  
MARSHAL TO ASSIST IN THE REMOVAL OF NICOLE GALLAGHER  
AND MARK GALLAGHER AND ANY OTHER OCCUPANTS OF  
145 WICKAPOGUE RD., SOUTHAMPTON NY 11968**

DAVID GOLDWASSER makes this declaration under 28 U.S.C. § 1746:

1. I am the managing member and president of FIA Capital Partners, LLC and have significant experience working as a Chief Restructuring Officer and manager of Chapter 11 debtors in the United States Bankruptcy Courts for the Eastern District of New York and the Southern District of New York.

2. I submit this declaration of emergency pursuant to Local Bankruptcy Rule 9077-1 in the United States District Court for the Eastern District of New York in support of the Order to Show Cause voluntary Petition of Wickapogue 1 LLC (the “**Debtor**”).

3. The Debtor filed this Chapter 11 bankruptcy case (the “**Bankruptcy Case**”) to facilitate a sale of the Premises, free and clear of liens, judgments and encumbrances, under a plan of liquidation and to distribute net sale proceeds to creditors in the order of priority of their respective claims.

4. The Debtor’s primary asset is improved real estate consisting of a 10,000 square foot residence located at 145 Wickapogue Road, Southampton, New York (the “**Premises**”).

5. As part of its obligation to creditors, and as required by the United States Trustee's Office (the "UST") Debtor must immediately obtain insurance for the Premises.

6. Debtor cannot, however, obtain insurance for the Premises because the Premises is unoccupied and Debtor does not control the Premises.

7. In the case of unoccupied real property, in order to obtain an insurance policy, the Premises must have a security system in place which is connected to a security service via the internet.

8. As a result, in addition to the need to control the Premises in connection with administering the estate, Debtor requires control of the Premises in order to obtain an insurance policy.

9. Debtor also needs immediate control of the Premises to safeguard the Premises for the benefit of creditors and to conduct a sale before the summer season begins in earnest, which will result obtaining the highest value for the Premises.

10. For the foregoing reasons, Debtor submits that the relief it requests qualifies as emergency relief and submits this motion by Order to Show Cause.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: New York, New York  
April 5, 2023



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DAVID GOLDWASSER